IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

Bail Appl..No. 7635 of 2006()

CMP.2999/2004 of J.M.F.C.,IDUKKI

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PETITIONER/ACCUSED

P.SASIKUMAR,
KARTHIKA, VELLORE P.O.,
PAMPADY, KOTTAYAM.

BY ADV. SMT.GIRIJA.L.

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No. 7635 of 2006

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Dated: 21-12-2006

O R D E R

Petitioner is an accused in S.T. 423/05 on the file of the J.F.C.M. , Idukki for an offence punishable under Sec. 138 of the Negotiable Instruments Act, 1881. Consequent on the non-appearance of the petitioner before that court non-bailable warrant of arrest has been issued against him. Alleging that the petitioner was advised rest on medical grounds and that it was the reason he could not appear before the court below, the petitioner seeks anticipatory bail.

2. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and apply for regular bail after convincing the Magistrate about the health grounds on account of which he could not allegedly appear before that court. Accordingly, if the petitioner surrenders before the Magistrate and files an application before the Magistrate concerned within two weeks from today, the same shall be considered and disposed of after examining the petitioner's grievance that he was advised to take rest on medical grounds, preferably, on the same day on which it is filed.

With the above observation, this bail application is disposed of.

V. RAMKUMAR,
(JUDGE)

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